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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,837	08/25/2003	Robert D. Foxwell	51449-00211	2888

7590 06/04/2004

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,837

Applicant(s)

FOXWELL, ROBERT D.

Examiner

Lisa M. Saldano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwitter (6,520,728) in view of Gronlund (3,221,899).

Regarding claims 1 and 7, Schwitter discloses a system (ramp) and method for elevating a watercraft comprising a pair of spars or rails 28 of substantially equal length braced in parallel laterally spaced apart relationship by cross-braces 31. The invention has a water end 24 and a shore end 22 (see Figs. 1 and 2). Schwitter further discloses a water end support brace comprising plural legs 26 mounted to the underside of the rails proximate the water end having a transverse bar 27. Schwitter also discloses a shore end support assembly 26 also comprising a transverse component 27. In Fig. 4, Schwitter illustrates that the legs 26 directly at the underside of the rails are mounted inward of the transverse bar 27. Furthermore, the transverse bar 27 is longer than the spacing distance between the rails. A loading assembly comprising a pulley 72, cable 70 and a release mechanism 18 is used for drawing the watercraft to the invention.

Regarding claim 2, Schwitter discloses a roller wheel 32 at the water end 24 of the invention so mounted that a portion of the roller wheel 32 projects beyond the end 24 (see Fig.1).

Regarding claims 3 and 9, Schwitter discloses that the legs 26 are adjustable such that angle  $\alpha$  between the ramp and the surface of the water may be any acute angle (see column 6, lines 15-25. Therefore, assuming the appropriate angle, the distance between the underside of the rails and the top of the roller wheels may greater than that of the distance between the underside of the rails and the underside of the transverse portion 27 of the ramp.

Regarding claim 4, Schwitter illustrates (see Fig.1) that the distance between the underside of the rail and the underside of the transverse portion 27 at the water end 24 is less than the distance between the underside of the rail and the underside of the transverse portion 27 at the shore end 22.

However, Schwitter fails to disclose that the transverse bars 27 have a footprint feature. Schwitter also fails to disclose a keel roller and a winch support.

Gronlund discloses a boat support comprising rails 10, cross-braces (27,31,33), and a transverse footprint stabilizer portion 24 (see Fig.3).

Regarding claim 5, Gronlund discloses the use of a centerline or keel roller 34 (see Figs.2&3).

Regarding claims 6, 10 and 11, Gronlund discloses the use of a winch 38 on a support beam 35 fixedly and non-pivotally mounted at a shore end of the boat support so as the cantilever out beyond the shore end of the rails 10 in an angular relationship (see Fig.1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide transverse footprint stabilizing portions, as taught by Gronlund, on the invention of

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Schwitter's, because it provides for a more contact with the supporting substructure, thereby making a more stable support.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a centerline or keel roller, as taught by Gronlund, to supplement the guidance provided by the roller of Schwitter because boats with varying bottom profiles and configurations may benefit from the added source of support and guidance provided by the supplementary keel roller.

It would have been obvious to modify Schwitter's loading assembly comprising a pulley in include a winch and cantilevered support beam, as taught by Gronlund, because they both are functional equivalents to drawings and maintaining a watercraft on the ramp or support.

Regarding claim 8, although Schwitter and Gronlund fail to explicitly disclose dimensions for the ramp and support components, the range of optimal dimensions can be obtained through routine experimentation given the disclosure of Schwitter and Gronlund.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms

  
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